

No. PD-1096-19

EX PARTE

CHRISTOPHER RION

FILED
COURT OF CRIMINAL APPEALS
2/12/2020
IN THE COURT OF CRIMINAL APPEALS, CLERK
DEANA WILLIAMSON
APPEALS OF TEXAS

State's First Motion for Extension of Time to File Brief

The State of Texas respectfully requests that this Court extend the deadline for filing of the State's brief by 30 days. *See* Tex. R. App. P. 10.5(b). In support of this Motion, the State would show the Court the following:

I.

This Court granted the State's petition for discretionary review on January 15, 2020. The State's merits brief is due 30 days later on February 14, 2020. The State requests a 30-day extension of time to file its brief, which would move the deadline to March 15, 2020.

II.

No prior extensions have been requested or granted regarding the State's brief.

III.

There is a reasonable explanation for the State's need for an extension. The assistant district attorney who represented the State below and authored the State's petition for discretionary review no longer works for the Dallas County Criminal District Attorney's Office (nor does he work for the State Prosecuting Attorney).

Consequently, undersigned counsel was assigned to represent the State in this case on January 29, 2020. In the two weeks since, undersigned counsel has drafted and filed two briefs: 1) the State's brief in *Cleveland v. State*, No. 05-19-00515-CR; and 2) the State's reply brief in *State v. Giordano*, No. 05-19-00926-CR.

In addition, undersigned counsel has duties outside of appellate briefing. One these duties is assisting misdemeanor prosecutors in responding to an increasingly popular suppression argument in DWI cases. This duty has consumed considerable time in the last two weeks and has included perfecting appeal on short notice when blood analysis is suppressed with trial imminent.

IV.

A thirty-day extension of time to file the State's brief is necessary for undersigned counsel ensure the State's brief is helpful to the Court. The State respectfully requests that this Court extend the filing deadline for the State's brief to March 15, 2020.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this Motion has been served on Michael Mowla as appellate counsel for appellant Christopher Rion via eFile at michael@mowlalaw.com on February 11, 2020.

/s/ Joshua Vanderslice
JOSHUA VANDERSLICE